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# The Review

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## An Important Decision by the Supreme Court of Missouri.

CATHOLIC MUTUAL BENEFIT SOCIETIES HAVE THE RIGHT TO EXPEL MEMBERS  
WHO DO NOT LIVE UP TO THEIR RELIGION.

In the Supreme Court of Missouri. Division No. 1. April Term, 1901.

Veronica Franta et al.,  
Respondent.

vs.

Bohemian Roman Catholic  
Central Union of U. S. A.,  
Appellant.

No. 9552.

Plaintiffs are the minor children of Peter Franta deceased, who in his lifetime had been a member of the defendant corporation, which is a fraternal beneficiary society incorporated under the laws of this State, and the suit is to recover on a benefit certificate or *quasi* life insurance policy for \$1,000, issued by the society to plaintiff's father.

The answer of the defendant pleads that it is an association of persons who are members

of the Roman Catholic Church; that by its constitution no person can be a member who is not a Roman Catholic and who does not perform his duties as required by the Church, and that one of those duties is to go to confession and receive the sacrament of the holy communion every year during Easter time, and the constitution and bylaws requires every member to perform that duty and to produce to the society a certificate of the priest that he had done so, or failing therein, the society has the authority to suspend him indefinitely or for such time as it may deem just, first giving him an opportunity to clear himself of the charge. That every applicant for membership in the association is required to sign an agreement that he will be governed by its constitution and laws, and the plaintiff's



father signed such agreement and was admitted to membership thereupon. That plaintiff's father did not receive the sacrament of the holy communion during Easter in 1896 and was charged in the society with that omission, and in a regular meeting he admitted the truth of the charge, and thereupon in due course the society suspended him from membership indefinitely, and he died while so suspended. That by the laws of the order a suspended member lost all benefits during his suspension.

The plaintiff demurred to that plea and the court sustained the demurrer on the ground that the provision of the law of the defendant society was in violation of Sec. V, Art. 2, of the constitution, and defendant not pleading further, judgment for the plaintiffs was rendered for \$1,069.16, from which the defendant appeals.

The only question in the case is whether persons of any religious denomination may form a corporation under our statutes in reference to fraternal beneficiary societies, and by its laws limit its membership to persons of the same religious belief and suspend or expell a member for failure to observe a duty prescribed by the Church and required by the law of the corporation.

The clause of our constitution which the circuit court adjudged to have been violated by the law of the defendant corporation is Section 5 of the Bill of Rights and is in these words :

That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own conscience ; that no person can, on account of his religious opinions, be rendered ineligible to any office of trust or profit under this State, nor be disqualified from testifying, or from serving as a juror ; that no human authority can control or interfere with the rights of conscience ; that no person ought, by any law, to be molested in his person or estate, on account of his religious persuasion or profession ; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, nor to justify practices inconsistent with the good order, peace or safety of this State, or with the rights of others.

When we consider the purely voluntary character of the society in question, that no one can be brought into its membership but by his own free will, nor restrained to keep his membership when he wishes to withdraw, that he can be admitted only on terms and conditions upon which he and the society mutually agree, that he can be expelled or suspended only in conformity to laws of the society which he has agreed he would obey and submit to ; and when we also consider that by expulsion or suspension he is deprived of no right or privilege which he holds independent of the society, which was not created by the society itself, and which, in so far as it may have assumed the character of a right, is purely contractual and depends for its continuance on the observance of the terms of the contract ; it would be a strange construction of the clause of the constitution guaranteeing freedom of conscience if we should interpret it to mean that one under those circumstances was entitled to receive the fruits of his contract while declining from scruples of conscience to perform the conditions which entitle him to the same.

The defendant corporation is organised under Article X, Chapter 42, R. S. 1889. Fraternal beneficiary corporations necessarily have the character of fraternal or social community ; that is their foundation, the pecuniary benefit or *quasi*-insurance, that the law allows to be contracted for, is merely incidental to the social or fraternal character. The language of the statute specifying the purposes for which corporations under that article may be formed is : "for benevolent, religious, scientific, fraternal, beneficial or educational purposes." Insurance is not one of the fundamental purposes for which a corporation under that article may be formed. When the purpose is to form a life insurance company on the assessment plan, the organisation must be effected under another statute enacted for that purpose. Having prescribed the purpose for which such corporations may be formed and the procedure for their organisation, the statute goes on to confer upon fraternal beneficiary associations the power



to make provision by assessments to pay benefits to the families or dependants of deceased members, and to their sick or disabled members living, but it avoids the word insurance in that connection, and expressly exempts such societies from the operation of the insurance laws of the State. Benefit certificates issued by such societies have some of the characteristics of life insurance policies and are enforced in the courts according to the contract, but there is something more in the contract evidenced by such a certificate than there is in that evidenced by an ordinary life insurance policy.

These societies are sometimes referred to as organised for charitable purposes, but death losses on such benefit certificates are not to be classed under that head, for they are enforced according to the terms of the contract, and even sick benefits do not fill the legal meaning of the word charity, because they are limited to the members of the society. An act to be charitable in a legal sense, must be designated for

some public benefit open to an indefinite and vague number; that is the persons to be benefited must be vague, uncertain, and indefinite, until they are selected or appointed to be the particular beneficiaries of the trust for the time being.... Money contributed by the members of a club to a common fund to be applied to the relief and assistance of the particular members of the club when in sickness, want of employment, or other disability, is not a charitable fund to be controlled by a court of equity.—Perry on Trusts, Sec. 710.

It is not charity to give to your friends because of friendship, nor to your associate in a society because of your duty imposed by the laws of that society. Charity in the legal sense has been illustrated by reference to the custom of the ancient Jews, to leave at random a sheaf of corn here and there in the field for the poor gleaners who followed the harvesters, it being unknown who would get it. Therefore there is nothing in the idea of a charitable trust to influence the decision in this case. If the plaintiffs are entitled to recover, it must be upon the theory that their father held a contractual relation with the

defendant corporation at the time of his death which entitled him to membership therein and the benefits incident to such membership.

Fraternal beneficiary societies appear to have received the approbation and encouragement of the legislatures in many of the States and have greatly increased in number and in the volume of their peculiar insurance within the last twenty years. Such has certainly been their history in Missouri. This encouragement has arisen from the fact that in their dealings with the families of their deceased members they have not been influenced alone by the strict letter of their contractual obligation, but also to a great extent by that spirit of fraternity which is the life of their organisations. It not infrequently happens that the dues or assessments of an unfortunate sick member are paid by the members of his subordinate lodge or out of its treasury, to keep him in good standing, in the face of impending death, for the very purpose of securing the payment of the benefit fund to his family. Such is not the conduct of mere strangers with each other or of those who are bound only by the ties of a contract of insurance. And the law recognizes in that spirit of fraternity not only a guaranty of life insurance when the member dies, but also the development of better character among the members while living, and thus the State derives a moral benefit.

But the idea of fraternity on which these societies are founded, is not that of the mere abstract principle, which includes all mankind, it is rather fraternity in the concrete, embracing only those who have some feature common to themselves, but not universal, which renders them for that reason a separate and peculiar band of friends or associates, distinct from the rest of the world. Such a peculiar quality common to them but distinguishing them from mankind in general, is absolutely essential to a fraternal society, and it alone distinguishes these societies in their conduct from life insurance companies on the assessment plan.

In the invitation that our statute gives to



the people to form such societies, it does not specify what sentiments, bonds of union may be used for that purpose. Whatever sentiment a number of men may have in common and peculiar to themselves, which draws them together for a purpose that is not immoral or inimical to the State, may be made by them essential to admission to membership in their society, and it follows as a corollary, it may be made essential to retention of such membership. If men of a particular religious faith prefer to be associated with those of that faith and desire to form a corporation composed alone of members who are in harmony with them on that subject, there is nothing in our law to forbid them. But a fraternal beneficiary society founded on and limited to such membership is in no sense a religious corporation. It is not formed to teach or propagate the religious faith, but to cultivate the spirit of fraternity among its members who are of that faith, and incidentally to provide a pecuniary benefit for them and their families as the statute contemplates. And if the corporation may lawfully prescribe as a condition precedent to admission to membership, that the applicant be one who is a member in good standing of a certain church and who conforms to its teachings, it may also prescribe as a condition subsequent to retaining his membership in the corporation that he continue in good standing in the church and in observance of its requirements. The corporation does not thereby become a propaganda of religious dogma, but only secures to its members that exclusive congenial association which it promised.

The Masonic fraternity is generally reputed to be a society having for one of its objects at least the practice of charity in its broadest sense, yet a corporation known as the United Masonic Benefit Association, which was only a life insurance company on the assessment plan, and in no sense a charitable society, had prescribed as a qualification for membership that the applicant be a Mason in good standing, and it was held that a by-law of the corporation declaring that, upon a member thereof ceasing to be a member in good standing of

the Masonic fraternity, *ipso facto* forfeited his membership in the corporation, was valid. (Ellerbe v. Faust, 119 Mo. 656). In that case the purpose of the corporation was life insurance, and it had nothing to do with teaching or propagating the tenets of Masonry, yet it was held that as it was a mutual society and those who had organized and composed it had seen fit to limit their association to Masons in good standing, no one not belonging to that class could come into it, or being in, no one ceasing to be of the class could remain in. The clause of the constitution invoked in the case at bar as much protects a man in refusing to be or to remain a Mason against his conscience, as it does in refusing to be or to remain a member of a particular church.

The law is not greatly concerned in guarding a man in that freedom of conscience which would permit him to enter into a contract and keep it to the extent that it suits him, and repudiate it otherwise. If the father of the respondents in this case acquired any rights which he or they could enforce against this corporation, it was by virtue of an express contract, which prescribed the terms upon which he was admitted to membership, and as expressly prescribed the conditions necessary to be observed on his part to continue that membership, and the terms of continuing were exactly the same as the terms of admission. He expressly represented as a condition to his admission, that he was a member of the Roman Catholic Church, and that he observed its laws and would continue to do so while he remained a member of the corporation, and that if he should cease to conform to the laws of the Church in the particular mentioned in the answer, he expressly agreed that the corporation might suspend or expel him and thereby exclude him from its benefits. Under the constitution and laws of this State a man can not be coerced into observing the sacraments of any church, and even if he should enter into a solemn contract to do so, he is free to break the contract, and for breaking it he can not be deprived of any right that he has independent of it. But if by the contract a special benefit is created for him, he



can not break the contract and have the benefit too. The Court of Appeals of Kentucky, passing on exactly the question we are now discussing, said :

But apart from this, we can not see that appellee's rules are in any way inconsistent with the constitution of Kentucky. The plaintiff never acquired the right to be thus watched and cared for in sickness and to have his family provided for after his death, except upon the condition that he perform certain religious duties required of the Roman Catholic Church. Those duties were to be performed every year during his membership in order to keep alive the corresponding obligation of his fellow members. This right was at most but a conditional one and has never been diminished by any act of the society. . . . . To compel them (other members of the society) to watch and care for plaintiff in times of sickness and contribute to support of his family after

death, when they have agreed to do this for those who remain true to their church, would be to disregard and trample upon that mutuality which lies at the foundation of all contracts. . . . . The religious liberty of every denomination in this land demands that no such principle as this be declared as the law of Kentucky. (*Hitter vs. St. Aloysius Society*, 4 Ky. L. R. 871.)

And to like effect also is *Matt vs. Roman Catholic &c. Society*, 40 Iowa, 455. If any court of last resort has ever held to the contrary, our attention has not been drawn to the case.

The facts stated in the defendant's plea constituted a complete defense to the plaintiff's cause of action, and the court erred in sustaining the demurrer. The judgment is reversed.

All concur.

LEROY B. VALLIANT.

## Subjects of the Day.

We extract the sub-joined strong paragraphs from the *St. Vincent's Journal* [No. 9.]

Our American civilization seems to be a very complex affair. We find it difficult to get at the essence of it. If we look for it in China, where we might expect to meet it as the fragrant efflorescence of our missionary zeal and enterprise, we shall find it illustrated by Dr. Ament, with the seventh Commandment eliminated from his code of ethics. If we seek for its manifestations in Cuba or Porto Rico, we shall discover there also that the same Commandment is a superfluous drag upon progress. In the Philippines the whole Decalog seems in a state of suspended animation, with this aggravating circumstance that our advance agents rob the government as well as strangers. At home we behold Mark Hanna as the embodiment of one phase of our civilization, in the control of our politics and our proletariat; and another aspect reflected in the divorce court, that inferno of matrimonial

infortunes, and the charnel-house of the American family. Whether we look at home or abroad we find it difficult to determine what constitutes our claim to become propagandists of civilisation.

On Saturday May 18th, the new battle ship "Ohio" was launched in San Francisco, on which occasion President McKinley made a speech to the effect that the new war vessel, as well as all our vessels, would be employed in extending the blessings of American civilisation to less favored lands. The words were hardly out of his mouth when, in a city on the borders of his own State, a hard-working minister of religion had an unpleasant experience of our home-made and export article of civilisation. At 2 o'clock on the morning of the following Monday, the house of the Rev. Father Decker of Erie was entered by four armed and masked burglars; the housekeeper, assistant priest, and pastor, in the order named, were bound and gagged, and about \$150 in money, as well as paper negotiable and non-negotiable, taken from the safe.



We don't suppose that a trifle like this, if it had happened before Archbishop Ireland's late speech in Dubuque, would modify his enthusiasm for the country and its institutions, or his fervent exhortations to cherish the ninth Beatitude of American citizenship; but we confess we would watch with considerable curiosity for his Grace's first public utterances after a similar personal experience—that is, after being gagged, bound, rifled, and generally explored by the knights of the "jimmy" and the revolver. Under present conditions we hope the ecclesiastical authorities of the two great branches of the Anglo-Saxon race will not claim our adhesion to the theory that the King—or the President—can do no wrong.



**A State Religion.** In a thoughtful paper in the June *Messenger of the Sacred Heart*, of which our friend O'Malley gives a splendid résumé in the *Observer* [No. 2], Father Thos. J. Campbell, S. J., lays bare the purpose of those engaged in shaping governmental policy in this country. Briefly, this purpose is nothing more nor less than gradually to establish a State religion, the new system to be composed largely of humanism and pantheism, both distinctly opposed to Christianity of every form. Because of this purpose, perhaps, nowadays we hear much in every-day life, and see much in various prints, about the "brotherhood of humanity" and the "religion of nature." The growth of this cultus is the more dangerous because it is propagated insidiously.

And how shall the final purpose be accomplished? may be asked. Father Campbell turns his glass upon the future and traces the nexus extending from the present to the far-off. He does not assume the rôle of prophet; he merely gives us his deductions from present facts.

Free compulsory education, he says, will be the chief instrument employed to achieve that end—that is to say, by means of legislative enactment or by indirect pressure, all schools, even those that are now under absolutely private control, will be

under compulsion to adopt the free education and, consequently, to adopt the ethics of the State.

This is a sad outlook, yet not half so mournful as the deduction which follows. He foresees that—

In pursuance of this popular belief that the government ought to have absolute control over all schools, public and private, a thing which is proclaimed as the palladium of our liberty, it is among the possibilities that our great convent schools may have to accept State surveillance or go out of existence. In France they are already doing so. State colleges for girls were founded there in 1884. In 1888 they contained 6946 pupils; in 1896 the number was 15,709. This must have been disastrous for the convents. Perhaps our turn may come next.

In view of such outlook—and can anyone familiar with the agencies at work deny the probability of the forecast?—Mr. O'Malley rightly suggests that it is time for Catholics to close up shoulder to shoulder in rank and stand perpetually at attention? It is not a time for expressing sympathy for the enemy, or for moulding our opinions to suit those held by him. When we know that his notions make for the destruction of Christianity, what folly it would be for us to adopt them.



### **A New Plan of Church Insurance.**

The Rev. Walter D. Cole, of Lafayette, Ind., reports in the *N. W. Christian Advocate* (Methodist, June 12th) on a plan for church insurance which he has introduced in his congregation:

"About a year ago, just after the unfortunate destruction of St. Paul's church in this city, our official board was considering the matter of insurance on our property. We found that it would be necessary to increase the amount which we had, and we hit upon a plan which was new to us, at least, and if new to others it may be worth suggesting. There were at the meeting that evening a number of men, who would be expected to give \$1,000 each for a new building if our present edifice should be destroyed, and each of these insured the church for \$1,000, with the understanding



that he also insured himself against the appearance of subscription papers in the event of the destruction of the building by fire or storm. If the amount which a man might be expected to give be more or less than \$1,000, he takes insurance for the amount, whatever it is. We had no difficulty at all in running the amount up to \$50,000, and could double it if the property would carry the risk. It is the insurance against the possible appearance of a subscription paper, which is the alluring feature to some. It is a relief to the treasury and seems to be a good thing every way. On many church properties a \$1,000 risk may be carried three years for from \$10 to \$15 and, perhaps, for much less than that in our church insurance company."

Insurance is surely better than a subscription, and Mr. Cole's plan deserves consideration.—J. W.



### Arsenic in Beer.

The commission of experts appointed to investigate the whole subject of the recent fatal arsenical poisoning of beer-drinkers in England have just made their first report. They find "that the presence of arsenic in injurious quantities in the Manchester beer was in all cases due to the sugars manufactured by Messrs. Bostock & Co., and that such sugars derived their contamination exclusively from the employment in their manufacture of arsenicated sulphuric acid, supplied by Messrs. Nicholson & Co. of Leeds. No other cause of contamination to which the presence of arsenic in the observed quantities can be attributed, has been discovered by us, nor is one believed to have been possible." The commission report that the presence of arsenic in minute, and practically harmless, quantities is not rare in English beers. Out of 160 samples taken from all parts of the country, only eighty-four were found to be perfectly free from the mineral. Of the remaining seventy-six samples, fifty-three contained arsenic in dangerous amounts and all of these were made with Bostock's sugar. The other twenty-three samples con-

tained infinitesimal quantities of arsenic, which came, as the commissioners believe, from the malt. The interesting discovery has been made that, if arsenic be present in worts, yeast will take up a very considerable part of it. Of fourteen samples of typical barley grown in different parts of the country, five were found to contain small amounts of arsenic, and the commission have no doubt that barley may take up minute quantities of arsenic when grown on lands manured with arsenicated fertilizers.



**Why Do Men Swear?** Prof. Patrick, of the University of Iowa, attempted to answer this

question in a paper recently read before a scientific society at Lincoln, Neb. Quoting from Campbell, he explains that men in anger may be obliged to repress every overt act and every expression of emotion except facial movements or some form of vocalization—that profanity is therefore a safety valve, and if a man did not swear he would do something worse. Prof. Patrick holds that there is something more than this in swearing and that it has an objective as well as subjective force, and is intended to call down a curse from heaven upon the offender.

The psychology of the oath has by no means been determined. Its forms and ramifications are many and most of them are subtle in character. If the oath is a safety valve, why is it not better adapted to the use of women, who are said to be more emotional than men? And yet no self-respecting woman ever makes use of one.

Why did Socrates frequently swear? The worthy sage had perfect command of his emotions and needed no safety valve; yet again and again he swore "By the dog," leaving an endless number of critics to dispute over his purpose and his meaning.

Andrew Jackson's "By the Eternal" may have relieved his pent-up feelings, but it served another purpose equally well, and that was to give emphasis to his sincerity.



The psychologists will do well to examine the subject of profanity still further. To label it as a relief for the emotions, is not at all satisfactory, for the emotions increase by the

use of it; and, as to invoking a curse, the class of people now-a-days addicted to it, have little faith in God or demon.

## WITH OUR EXCHANGES.

The initial number of the *Catholic Ladies' Home Journal* made its appearance as an illustrated monthly in February of the present year, under the auspices of the Catholic Ladies' Publishing Co., 628 Montgomery St., San Francisco, Cal. "Subscription price for the United States, Canada, and Mexico, one dollar a year. For Europe, Asia, and Africa, one dollar and fifty cents." Its table of contents includes: 1st. A chapter on "Jeanne d'Arc." From Domremy to Chenon. By John A. Mooney, LL. D.; 2nd. St. Catherine as Promoter of Unity; 3rd. The Mexican Woman and her Home; 4th. Mission Bells; 5th. Closing of the Holy Door; 6th. A Real Vocation. By M. G. B.; 7th. Household Fashions and Domestic Economy. We cull a few lines from the prospectus, addressed to the Catholic Ladies of America:

The ladies have always been foremost in matters of upholding and advancing the interests of our faith, and we trust that our appeal to them for support will not meet with refusal.... Though just launching out on the sea of literary endeavor, our prospects seem bright and encouraging, our present staff of contributors including such well-known and capable men as the Very Rev. T. J. Shanahan, D. D.

Fifteen other names are mentioned, Austin O'Malley and Dr. D. B. de Costa among the number.

We should have expected the aspiring illustrated journal to appear in the trimmest modern magazine form; that the Catholic Ladies' Publishing Co., who calls, in the May number, for agents in every part of the United States, offering five dollars a week and ten per cent. as an inducement, would prove its reliability by appearing as an incorporated business company. Instead this monthly, composed

of twenty pages, is, in size, 11x13 inches—an awkward form—and is not incorporated. Is this enterprise under the management of women? One indication that it is, is the exuberance of enthusiasm at the outset which marks the first issue. It brings before me in retrospect a coöperative store inaugurated principally by women with immense éclat for sweet charity's sake. The coöperative held in retrospect, issued its stock certificates and placed them in the hands of, no body knew how many ladies to dispose of among the wealthy and charitably inclined. The stock was eventually to be owned by the sewing women who took ten per cent. of their pay for work in stock. At first its success seemed assured. It was a privilege of stock-holders to draw merchandise from the shelves of the store on these, and after a time when there was an inflowing of certificates but neither stock books or even a memorandum of the purchasers, the directors began to realize that somebody had blundered.

The venturesome upholders of our faith tell us in the *Journal* that it is the only Catholic ladies' magazine in the world—that it is edited by most prominent writers in the United States—that there are some twenty-five or more branch offices in various parts of the world, etc.

We have not seen the numbers for March and April. The May number is not from the Montgomery street office. There has been a removal and the countenance of the paper is indicative of rapid decline, which is not, however, evidence that it will not recover.

Twenty-five years ago two Catholic ladies wrote prospectuses at the instigation of Vicar-General Prendergast of San Francisco,



who wished to see a Catholic ladies' magazine established and well patronised by the Catholic ladies in the United States. He did not aspire to see it circulate in Europe, Asia, and Africa, but Cuba and the Philippines were not then under our domination. Neither of the prospectus writers was generous enough to canvass, as the Vicar wished, in the interest of the proposed magazine, and so the matter ended. On present lines we doubt if the *Catholic Ladies' Home Journal* will attain a much greater longevity.—E. A. ADAMS.



We read in the *Portland Catholic Sentinel* of June 6th :

The German Catholic societies of Illinois have begun the publication of a Catholic daily in Chicago. Our German brethren are staunch advocates of the Catholic press and Catholic schools, and make many sacrifices for the maintenance of both. We heartily wish them deserved success in their efforts to solve the problem of a Catholic daily.

The *Sentinel* is mistaken. No German Catholic daily has been started in Chicago or anywhere else in the State of Illinois. The subject was discussed at the late Chicago convention of the German Catholic Vereinsbund, but despite the fact that considerable enthusiasm was elicited by the speaker who referred to the matter, nothing has so far been done to realize the plan.

It takes more than enthusiasm and fine phrases to establish a daily newspaper, and in our opinion the conditions which make for the success of a German Catholic daily in the city of Chicago are less favorable now than they were seven or eight years ago, when an abortive attempt was made to furnish the German speaking Catholic families of the metropolis and suburbs with an organ of their own.



The Chicago *Western Catholic* obtained letters from Bishops McFaul and Spalding in connection with this subject immediately after the Vereinsbund's convention and printed them in its No. 25. Msgr. Spalding declares

"there can be no doubt as to the desirability of having a daily Catholic paper in English," but declines to give an opinion on any one of the plans that have so far been broached to bring about the consummation.

Bishop McFaul of Trenton writes, under date of May 27th, that "the various nationalities, whose mother-tongue is not English, appreciate the necessity of a daily in their own language, because the news of the secular daily press is not readily available to them in English." He considers national federation a condition of a Catholic English daily.

The Bishop is probably right in intimating that language considerations had as much to do as religious motives with the origination of the various non-English Catholic dailies now published in this country. Nor would we, for one, dispute the conclusion that naturally flows from this statement, that the decay of those different idioms as popular tongues will be followed by the decay of the dailies referred to above. This has been denied by a writer in the *Herold des Glaubens* (June 12th), but our experience bears out the view of the Bishop of Trenton. As the second and third generations, which speak English as their mother-tongue, grow up, the circulation of these papers slowly but steadily decreases, and their suspension is inevitable, unless, perchance, they can devise ways and means to continue as weeklies, or as English dailies.



Our esteemed confrère Mr. J. P. Tardivel, of *La Vérité*, of Québec, lately delivered a lecture before the Union Catholique of Montreal, on the French language in Canada. It was printed in the May number of *La Revue Canadienne* and elicited the hearty approbation of such men as Msgr. Bruchesi and Begin, M. Alphonse Leclair, etc. We are glad to learn that it is now to be issued separately in pamphlet form.

In this monograph, the result of original research, Mr. Tardivel has broken new ground.

By quotations from standard works published in France during the eighteenth century, says the *N. W. Review* (May 22nd), he proves that what are generally supposed



to be faults in the French and Canadian "habitants" were the most approved forms of pronunciation in France as late as 1741. Students of the history of the language have long known that the Québec peasants pronounced the diphthong "oi" as Louis XIV.'s classic court did; but what is new to these scholars is Mr. Tardivel's irrefragable proof that this pronunciation endured among the best educated classes in France till, at least, the middle of the eighteenth century, and that many other supposed vulgarisms, such as "ste femme" for "cette femme," "asteure" for "à cette heure," were then quite as good form as "clark" for "clerk," or "Gloster" for "Gloucester," still are with us. Thus the French-Canadian people have simply crystalised what was the most refined accent of the nobility at the time when Canada was ceded to Great Britain.

Here is a bit of ecclesiastical log-rolling from the *Catholic Union and Times* (June 6th):

Very Reverend Father Connery, our cherished Vicar-General, so won the hearts of the priests of Little Rock during his recent visit to Hot Springs that they want him for their next Bishop.



"Let us have a high-class weekly paper, like the London *Tablet*," says a New York Catholic. Verily, verily. The subscription price

of the *Tablet* is six dollars per year. New York once upon a time had a three dollar per year weekly Catholic paper—which it failed to support. New York now has a dollar Catholic paper, which is chiefly supported by Kansas farmers.—*Catholic Citizen*.



The Catholic Directory for 1901 (p.579), lists 255 Catholic periodicals of all kinds in the United States, and of these fifty-six are weekly papers, printed in the English language. Even the Catholic Directory list omits a number of Catholic papers, as, for instance, the *Denver Catholic*, the *Newark Ledger*, the *Montana Catholic*, etc. Everything counted, there are nearly three hundred Catholic periodicals in the United States, of which nearly two hundred are in the English language, and of these sixty-five are weekly papers.

The *Catholic Citizen* (June 22nd) is responsible for the above compilation. It might have added to the list of omissions the *Catholic Advance* of Wichita, Kans., and the *Catholic Herald* of Spokane, Wash. Unfortunately, there are a number of papers listed as Catholic in the Directory which have no right to the title.

ARTHUR PREUSS.

## Current Educational Topics.

### Protestant Churches and State Schools.

The *Catholic Sun* (June 14th) prints a letter from Bishop Ludden of Syracuse to a Catholic citizen of Pulaski, who sought the advice of the Bishop in the matter of his children attending the commencement exercises of the public school in that village in a Protestant church with a Protestant sermon. The Bishop says:

You state that this is customary, and that if Catholic graduates do not participate in these exercises they are refused the honors they have won in their classes, on account of their religious belief..... Assuming the accuracy of your statement, I must denounce the wrong done to you as citizens

and the violence done to your consciences as Catholics entitled to the free exercise of your religious belief by natural and divine right and under the constitution and laws of our country and of our States. In the name of common justice and law and practice of religion, what have Protestant ministers and their sermons and prayers and churches to do with State schools, for which all the people are taxed? They preach aloud and incessantly on the total separation of Church and State, and in practice they are constantly, clandestinely, if not forcibly, smuggling into those State secular schools their prayers and their sermons and their Protestant church services on the plea, when objected to, that they are non-sectarian and that Catholics alone are sec-



tarian. You ask me what a Catholic graduate is to do in your town under the circumstances. I know what a grievous wrong it would be to deprive children of their school honors on account of their religion, yet at all costs absolute religious liberty must be maintained. I judge, however, that under strong protest and sovereign contempt of such requirements in our State common schools, for which all the people are taxed, the Catholic graduates may attend, joining in no prayers or religious service and treating the sermon as idle wind. The martyrs, when compelled to trample upon the cross, were blameless and faithful.



**Teaching Ambidexterity.** Do not attempt to teach left-handed children to be right-handed, is the curious advice given by Prof. Fred W. Smedley of Chicago, in an address before the Illinois Society for Child Study. Mr. Smedley, who is director of the Chicago department of child-study and pedagogic investigation, and who holds views radically different from those entertained by many physicians, says that "teaching ambidexterity is teaching contrary to the law of life." When we go beyond nature and attempt to teach left-handed pupils to use the right hand, we are making a mistake. Teaching ambidexterity is likely to interfere with the child's best method of development, and may give the loss of speech." In his investigations on the subject he has discovered that "a surprisingly large number of the children whose speech is defective are left-handed. "Out of thirty children defective in speech who came to our laboratory, twelve were left-handed; that is about 40 per cent. Several said, 'When my mother learned I was left-handed she made me carry my arm in a sling.' We conclude that interference with the free use of the left hand interferes with the development of the power of speech."

The Professor, unlike Charles Reade, believes that strong unidexterity is the natural and ideal condition.



§ In a new school to be built in the Chicago North Division "the blackboards," we are told, "are not to be black at all, but red, blue, green, yellow." The innovation is to be approved. The sooner children learn to appreciate color the better. If all our "black" boards were not "black at all," we would have color used effectively in our architecture by this time. The universal blackboard has helped to perpetuate the universal dinginess. It has made public judgment more tolerant of soot in the air, slime in the streets and smut on human faces. Away with it forever! Let us have prismatic "black" boards in all the schools.—C. Ch.

§ Notwithstanding the protests of the laymen of the organised Catholic bodies in Chicago, the Board of Education has forced on the first four grades in the public schools the obnoxious free text-book scheme. The attorney of the German Catholic Districtsverband announces (see *Chronicle*, June 14th) that injunction proceedings against the Board will be inaugurated as soon as the first practical step toward free text-books is taken.

"We expect to show in our request for an injunction" he says, "that free text-books have repeatedly been regarded as unconstitutional. Decisions in other States bear us out in this regard. It is believed that the school authorities are instituted to arrange a system of education, to provide school buildings, apparatus and so on. There are no provisions for free books or free rides or other free accessories. These are individual expenses and have always been so regarded."





## NOTES AND REMARKS.

The *Catholic Citizen* of June 22nd publishes the following quasi-retraction from the Vicar-General of Kansas City, Kas.:

The undersigned wishes to state that the letter, published in your columns March 30th of the current year, does not clearly express his sentiments towards the religious orders, which he believes to be animated by the true Catholic spirit, as embodied in the utterances of our Holy Father, Leo XIII.

By this declaration the writer desires to counteract any false impressions that may have arisen from a perusal of said letter.—  
Rev. Thomas C. Moore.



Rev. Thomas F. Kennedy, of Overbrook Seminary, has been appointed to succeed Msgr. O'Connell as Rector of the American College in Rome. He is considered an able and safe man.



The French Senate has passed the Associations Bill and France is now "*en plein Kulturkampf*."



The Philadelphia *Record* printed, on June 13th, a remarkable despatch, which we reproduce verbatim and without comment:

New York, June 12th.—Positive confirmation was received in this city to-day that Msgr. Ireland had had offered to him and had accepted the degree of LL. D. by Yale University. The degree will be conferred in October at the Yale bicentennial.

Yale University was founded by Congregationalists, and this will be the first instance of a Protestant institution conferring a degree upon a Roman Catholic clergyman. Within the last few weeks Professor George B. Adams, professor of mediæval history, created some excitement among the Roman Catholics of New Haven by teaching in a class-room at Yale that there was one kind of preaching in that Church for ignorant Catholics and another for intelligent Catholics. This was followed by a general attack upon Roman Catholics in the graduating address delivered at the Yale Divinity School by the Rev. Charles Wolcott Merriam, of Springfield, Mass.

Leo XIII. has not appointed his own successor in the Chair of Peter and has no intention of doing so. Msgr. Sebastianelli, whose book is used as a textbook in the chief school of Canon Law in Rome, teaches that the more common opinion of theologians and canonists is that the Pope has not power to appoint his successor.



An announcement from Rome says that the Pope for days past has been devoting much of his time to the composition of a Latin poem, anticipatory of the twenty-fifth year of his pontificate, which begins next year. The Pope informed several persons that his new work will be his poetic testament. Despite all recent reports, his Holiness is declared to be in excellent health.



The death of Sir Walter Besant and of Robert Williams Buchanan in one day can hardly be called a great loss to English letters, for neither man stood in the first rank. Nevertheless, each did a work worthy of consideration. Buchanan, the smaller figure of the two, was exceedingly facile and versatile, but he can not be regarded as one of the immortals. Although he wrote many plays, poems, and novels which he viewed with entire seriousness, his name probably brings up to most minds his attack upon Swinburne, Rossetti, and their cult—"The Fleshly School of Poetry." Buchanan as an author must rank below either Swinburne or Rossetti; and in all likelihood a century hence he may be remembered only because Swinburne and Rossetti are still read. None the less, he was on the right track—in spite of exaggeration—when he pointed out the sensual and even morbid taints in the verse of his literary betters.



The *Pittsburg Catholic* (June 19th) reminds "some of our good American Catholics" that in



belittling Catholic nations they by implication belittle the Catholic Church; and that, moreover, their impressions are usually totally false, as they derive them for the great part from the prejudiced and anti-Catholic Protestant press, which knows how to misrepresent and falsely color all matters relating to Catholics and the Church abroad.



St. Clair McKelway, in a commencement address recently delivered in the Brooklyn Academy of Music and reported in the N. Y. *Times* of June 13th, emphasized the difference between patriotism and jingoism and called attention to some of the dangers of the present American industrial expansion. He said:

Patriotism is that filial feeling for your country as a fond father that you have for your college as an Alma Mater. Jingoism is the perversion of patriotism to pugnacity, to boastfulness, to vainglory, to defiance, with love of fight for the sake of fight, and with the tyrannous impulse to use the strength of a giant in the spirit of a brute. Now, because we are citizens of the United States we are citizens of the world. And because we are citizens of the world we should not make our citizenship of the United States injurious to any part of the world. Why should we want to injure anybody? Primacy is admirable. Superiority is desirable. But if even it is to be purchased at the price of impoverishment or of distress, it will be too dearly bought. Life is a competition. But the earth is not a slaughter house.



The American Ecclesiological Society, organised in Philadelphia recently, has for its aim "to stimulate the cause of Catholic art in America, to increase knowledge of ecclesiastical art, to encourage all creative art that is imbued with the Christian spirit, to counteract the anti-Christian spirit engendered by commercial greed, to strengthen coöperation among Catholic architects, artists, and all those who are interested in the study, practice, and promotion of art of every form, but more particularly church architecture and decoration, and to raise the standard of excellence, which is now deplorably inadequate.

The work done by an English society in this field has been so successful as to encourage similar movements elsewhere. The English society's labors, by the way, are not confined to any one denomination.



The Sacred Congregation of Rites, we learn by way of *Le Courrier de Bruxelles* [No. 129], has authorized the use of electric lights in churches and oratories but solely "ad depellendas tenebras." Candles must remain the liturgical mode of illumination.

In order to avoid the semblance of a theatre, which might be created by ordinary electric lights, it is proposed to introduce small bulbs mounted after the style of wax-candles, which, at some distance, differ to the eye from real candles only by their greater brilliancy.



The administration is opposing an investigation of the Maine explosion. The reason assigned is that, under international law, the investigation is not obligatory because not arranged for in the treaty of peace. No verdict now on the causes of the explosion can alter arrangements effected by the treaty of peace. But historical truth has paramount rights. To avoid getting at the truth is cowardly and justifies a suspicion that we have something to fear. Why should the truth be feared?



Some of our great dailies are beginning to interest themselves in the Canadian *rapatriement*. The *Sun* of June 8th had a lengthy paper on the subject. The American press naturally does not agree with the Canadian on this matter. Our own view is that the movement to get the French-Canadians in this country to return to Canada is practically hopeless, first, because, as Léo Richard recently pointed out in the *Ami du Foyer* [No. 15], four-fifths of our French-Canadian population are native-born Americans and the *rapatriement* would therefore prove to them an expatriation rather than a return home, and secondly, because, for the



present at least, these people can do better, financially, here than in the provinces of the Dominion. The Fall River *Indépendant* (June 12th) shares this opinion. The *rapatriement en bloc* it declares to be a Utopian scheme, but it believes that thousands of Canadians, whose prospects in the States are not very good, would gladly trek back to the land of their birth if they were furnished the means.



If the Jesuit Father Campbell's prediction, made in the June *Messenger of the Sacred Heart*, that the State will yet seize control of all the schools in this country, comes to pass, the Catholics who were so eager to minimize parental rights and to emphasize State interest in education, when Cardinal Satolli first came to the Church in the United States, can take to themselves the blame of aiding in the destruction of Christian training. They practically denied the authority of parents or Church and claimed full sway for the government.—*Catholic Columbian*, June 15th.



It must have occurred to many that we are badly in want of a short, popular prayer to St.

Joseph, which might take its place by the side of the "Ave Maria" or the "Memorare" addressed to the Blessed Virgin. A correspondent of the *Tablet* suggests that such a prayer really exists ready to hand in the sermon of St. Bernardine of Siena, quoted in the Office of the Patronage of St. Joseph. The sixth lesson of that office concludes with the following beautiful prayer :

Memento nostri, beate Joseph, et tuæ orationis suffragio apud tuum putativum Filium intercede; sed et beatissimam Virginem sponsam tuam nobis propitiam redde, quæ Mater est Eius qui cum Patre et Spiritu Sancto vivit et regnat per infinita sæcula sæculorum. Amen.

This little prayer seems to fulfil all the conditions requisite: it is brief, expressive, melodious; it introduces mention both of the Blessed Trinity and of the Holy Family, and it has the great advantage that, like the "Memorare," it has a saint for its author.

Here is a good English translation of it :

O Blessed Joseph, be mindful of us, and pray for us to thy Foster Son; gain for us also the favor of thy most pure and holy Spouse, the Maiden Mother of Him who, with the Father and the Holy Ghost, liveth and reigneth world without end. Amen.

## Sociological Questions of the Day.

### Pensions for Railroad Employees.

The example of the Pennsylvania System and some other Eastern roads has been followed by the Illinois Central.

Every employé of the Illinois Central, who has been ten or more years in the service of the company, is now entitled to a pension. Office employés may quit the service at the age of 70, all others, from whom greater physical exertion is expected, at the age of 65. The amount of the pension is figured according to the wages they received for the last ten years of service, plus one per cent. for each year of actual service. Thus, if an employé

averaged for the last ten years \$100 a month, and has been forty years in the service of the company or of other roads that are now in the possession of the Illinois Central, he is entitled to a pension of \$40 a month. But employés leaving the service of the road lose all pension claims. The pension bureau may likewise exclude all such employés from any pension or revoke their pension for notoriously bad conduct.

Pensions are to be paid monthly. The pensioners are not forbidden to engage in any other business.

To meet the expenses, the Company has deposited a fund of \$250,000, that is to be increased annually by no more than \$100,000.



Will it be sufficient? We do not know. Nor does the company, for it reserves the right to reduce the pensions if the amount set aside is not sufficient.

Hereafter, no unskilled laborers above 35, and no skilled laborers above 45 years of age, shall find employment on the road.

As up till now there was no age limit, a great many watchmen, brakemen, switchmen, etc., with a small monthly salary, will be pensioned off and receive but a trifle, say \$40 to \$60 a year. But such pensions will disappear in a few years, since only men of 35, respectively 45 years, shall be employed hereafter. In about 15 years no one with a monthly salary of \$40 will receive a smaller pension than \$120 a year. Engineers, conductors, etc., with an average salary of \$125 a month, after fifty years' service, would be entitled to \$62.50 a month, a kingly income compared to the trifling pensions paid in diverse countries of Europe, as we have shown in former articles; the more so as the employés have to contribute nothing to the pension fund.

The plan of the Illinois Central deserves imitation. Liberal as it is with its employés, in due time it will find itself amply repaid by a more faithful and reliable working force. This plan will prevent friction to a great extent, possibly avert strikes—so-called sympathetic strikes, and as long as there is fair and square dealing between the Company and its employés, even all strikes. The Socialistic leaders of railroad unions may decry the plan, but we believe every honest workman will approve it. —J. HERNAN.

### An International Labor Bureau.

An International Bureau of Labor has been started in Basle, Switzerland. At the head of this institution, whose object is the protection of labor, stands Professor Dr. Stephen Bauer. The Bureau, subsidized by the Swiss government, shall serve in the first place as a bureau of information on workingmen's protection as it exists in the several countries. According to its statutes, it shall edit in German, French, and English periodically a collection of all laws passed for the protection of workingmen in general, and in particular all laws relating to child or female labor, time of labor, Sunday rest, dangerous occupations, etc. The periodical shall further give a historical description of the genesis of all such laws and indicate briefly how they are observed.

Another object of the Bureau is to promote uniformity of legislation for the protection of labor in the various countries and study the question how reliable international statistics of labor may be obtained. Diverse national sections are to help the international Bureau. Such sections already exist in France, Germany, Switzerland, and Holland; they are in formation in Austria-Hungary, Italy, and Scandinavia. The aim of the national sections shall be to bring about, by means of the International Bureau, uniform labor laws independently of diplomatic negotiations. —J. HERNAN.



## Book Reviews and Literary Notes.

### Newman's Style.

One word about Newman's style. The more it will be studied, the more it will be found superior to that of any other writer in the English language, past or present. Even Addison, with all his polish and delicate humor, has not the variety, incisiveness, energy, and majestic sweep of Newman's prose. Macaulay is clear,

vivid, startling, but he is not true; he will sacrifice fact to the balance of a sentence; and truth is one of the elements of a perfect style, since style is the outward vesture of the inward man. As to Carlyle, we can only say that he positively bristles with defects; his pictures are overcharged and therefore not at all true; he is a Germanized Jeremy whose loud adjectives and garish colors can be imitated



with fatal facility: he is extremely narrow and strikes Catholics as very much of a humbug hiding his frauds under the cloak of noisy protestations of virtue. In a word, Carlyle is the worst possible model of English. Ruskin lacks sanity; his hurricane pulls, his exaggerations shock the taste of a thoroughly healthy mind. De Quincy, in spite of wonderful gifts, is utterly incapable of concentrated force. Of Newman alone it may safely be said that his style presents no defects, no self-seeking, no exaggerations, no limitations of power, no sameness, no mannerisms, no prejudice, no narrowness. He is universal because he is Catholic. Hence it is one of the lamentable shortcomings of Protestant school readers that they will not, probably because they can not, reproduce his master-pieces, the greatest of all English literature, such as Willis' description of the Mass in 'Loss and Gain,' and his imaginary Moscow public meeting in his lecture on the Protestant view of the Catholic Church.—*N. W. Review*, June 5th.



**The Two Bancrofts.** In a recent conversation between two 'gentlemen, each of extensive reading, one alluded to the "Great Bancroft," the remark being understood by the other as applying to Hubert Howe, when, in fact, reference was made to George Bancroft. The correction of the misapprehension serves to call attention to the change which has come in the public estimate of the work of the man who deliberately proposed to write the greatest history of the United States that had ever been prepared. George Bancroft was competent to do the work. He had talent, leisure, and, by reason of his long employment in the public service, possessed facilities for obtaining access to archives which few are permitted to inspect. He thus in a manner pre-empted the field and warned off men probably as competent as himself to do the work. He failed because he planned out too large a scale, and his history is not that of the United States, but of the colonies afterward con-

solidated, for it ends in 1789, when the story of the nation really begins. Hubert Howe Bancroft, on the other hand, while projecting a work of giant proportions, mapped it out in such a way that each part was in itself complete, and the histories of the various States of the Pacific Coast, while each is separate from the others, together form one of the most stupendous monuments ever erected to the memory of a literary man. The work of the older Bancroft, like that of Macaulay, is but a fragment, but, unlike the writings of the other two, it is almost unreadable from the dreary prolixity with which through page after page it marks time instead of marching.



Mixed metaphors are always amusing "You are," said a late Lord Mayor of Dublin, in opposing a municipal scheme, "standing on the edge of a precipice that will be a weight on your necks all the rest of your days." And this, attributed to an English clergyman: "The young men of England are the backbone of the British Empire. What we must do is to train that backbone and bring it to the front." A Member of Parliament was responsible for the following: "Even if you carried these peddling little reforms it would only be like a fleabite in the ocean."



#### A LIST OF NEW BOOKS.

[This list is published with the purpose of announcing important new publications of special interest to Catholic readers. B. Herder, 17 S. Broadway, St. Louis, Mo., supplies the list and has the books in stock.]

**A Sketch of the Life and Sufferings of Bl. Sebastian Newdigate of the London Charterhouse.** By Dom Bede Camm, O. S. B. Net \$1.25.

**Translation of the Psalms and Canticles, With Commentary.** By James M'Swiney, S. J. Net \$3.

**Fifty Years of Catholic Life and Social Progress under Cardinals Wiseman, Manning, Vaughan, and Newman.** With an Account of the Various Personages, Events and Movements During the Era. By Percy Fitzgerald. 2 vols. Net \$6.50.

**Joan of Arc.** By L. Petit de Julleville. ("The Saints" Series.) Net \$1.00.

**The Quest of Coronado.** An Historical Romance of the Spanish Cavaliers in Nebraska. By Rev. Denis Gerald Fitzgerald. Net \$1.00.

**Jeanne d'Arc.** The Story of her Life and Death. By Agnes Sadlier. Net \$1.00.

**Meditations and Exercises for the Illuminative Way.** By Michael of Contances. First printed A. D. 1597. Net 70 cts.

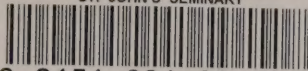
**Holy and Blessed Children.** A Legend for Children. From the German. Boards. Net, 25 cts.

**The Little Flower of Jesus:** Being the Autobiography of Sister Therese of the Child Jesus, Carmelite Nun. Net, \$1.60.

**Meditations on the Sacred Heart.** By Jos. Egger, S. J. Net, 70 cts.



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